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EXAMINER

NICKERSON, JEFFREY L

ART UNIT

PAPER NUMBER

2442

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/562,046	Applicant(s) KRUSE ET AL.	
	Examiner JEFFREY NICKERSON	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2008, 23 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to Application No. 10/562,046 filed nationally on 11 April 2006 and internationally on 10 April 2004. The amendment presented on 11 July 2008, which cancels claims 1-20, adds claims 21-36, and provides change to the specification, is hereby acknowledged. The supplemental amendment presented on 23 September 2008, providing change to claims 28, 34, is hereby acknowledged and entered. Claims 21-36 have been examined.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(o) because Figures 1-2 do not contain suitable legends or object labels that adequately indicate what the drawings consist of without referring in detail to the specification. For applicant's Figure 1, an example of adequate communication sequence labeling can be found in US 5,740,075 (Figures 10-14B). For applicant's Figure 2, an example of adequate network environment labeling can be found in US 6,658,415 (Figures 1-4).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

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labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. **The objection to the drawings will not be held in abeyance.**

Specification

3. The amendment presented on 11 July 2008 providing change to the specification is noted. The objections to the minor grammatical errors in the specification are hereby withdrawn. The objection to the abstract is hereby maintained.

4. The abstract of the disclosure is objected to under 37 CFR 1.72(b) because it contains implied phraseology. The phrase "Methods and systems are disclosed for the" falls into the category of implied phraseology and should be deleted. Correction is required. See MPEP § 608.01(b).

Claim Objections

5. Claim 23 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

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Regarding claim 23, this claim contains identical limitations found within parent claim 21.

Response to Arguments

6. Applicant's arguments filed 11 July 2008 and 23 September 2008 have been fully considered but they are not persuasive. New rejections, as necessitated by amendment, may appear below.

Independent claims 21 and 27

Applicant argues the combined teachings of Barker et al (US 6,363,421 B2), Panikatt et al (US 6,349,333 B1), and Kampe et al (US 2002/0016867 A1) do not teach a limitation. Specifically, applicant argues that the combined teachings do not teach the following limitation: "events received by the client event service are transmitted to a client application".

The examiner respectfully disagrees. Barker teaches the use of CORBA and Java applets to interface between the client application and the transport network (Barker: Figure 15; col 38, line 50 - col 39, line 16; col 4, lines 27-55). Therefore, events are received by the client's CORBA ORB and passed to the application.

Applicant further argues that the combined teachings do not teach the client event service making requests to the server event service.

Again, the examiner respectfully disagrees. Barker teaches the use of CORBA to interface between the client application and server application (Barker: Figure 15, col 38, line 50 – col 39, line 16).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 21-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 21 and 27, these claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Neither of these independent claims contains a transitional phrase to separate the preamble from the articulated steps of a method (claim 21) or the articulated components of the system (claim 27). See MPEP 2111.02 and 2111.03. Note the format of the claims in the patents cited.

Specifically regarding claim 21, it is unclear whether applicant is claiming the method of purported steps in the first stanza or whether applicant is claiming the subsequent

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method (of preparation?), which follows the first stanza with indented limitations and purported steps. It is also unclear which method is “in preparation for” which other method, as asserted in the last line of the first stanza, as the first stanza is one, giant run-on sentence and there are no valid transitional phrases. If the applicant is wishing to claim a method that encompasses both the steps of preparation and the steps performed after the preparation, perhaps applicant should chronologically arrange the steps by the order in which they are performed and make claim to a method for preparation and effectuation. But most importantly, applicant never actually articulates any steps to any possible method anywhere in independent claim 21, and yet the claim is nominally directed toward a method. Steps of a method should not be written in past tense, should start with a verb, and should be a step that one of ordinary skill would perform in a method. The indented limitations found towards the end of claim 21 are written as if they were prose copied from the specification. Furthermore, due to the limited coherency and structure of the claim, it is difficult to interpret what is and what is not a mere intended use of the claimed method. Preambles are generally not accorded patentable weight, especially in the case of recited intended use, as anything that can perform the claimed steps can perform the recited use.

Specifically regarding claim 27, this claim is similar to claim 21 and most of the rationale remains the same. While this claim is nominally directed to a system, no identifiable structural limitations are ever articulated. There is no identifiable preamble or transitional phrase and the claim is generally written in prose format. Items of a system

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should start with a noun. The issue of deciphering what is and what is not intended use of the claim arises again, similar to that of claim 21.

Regarding claims 22-26 and 28-36, these claims inherit the indefiniteness of their parent independent claims.

For purposes of further examination the examiner has taken the liberty to construct the claims in a manner that complies with general US practice and is most equivalent to the deciphered claim language.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker et al (US 6,363,421 B2), and in further view of Panikatt et al (US 6,349,333 B1) and Kampe et al (US 2002/0016867 A1) .

Regarding claim 21, Barker teaches a method for managing and transmitting events from a server via a communication link to at least one client (Barker: abstract; See also Figures 2 and 3), the method comprising:

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logging of possible events in a client event service (Java applets in client) for the purpose of initializing or updating the client (Barker: col 4, lines 19-36 provides applets using a CORBA interface to communicate to the EMS server in order to update web browser information regarding network elements; See also col 38, line 50 – col 39, line 16);

logging possible events in a server event service (various EMS server subcomponents) for the purpose of initializing or updating the server (Barker: Figure 4; col 4, lines 37-55);

detecting events which have been logged and transferring the detected events from an installation interface (SNMP API or mediator) to the server event server (Barker: See Figure 4, item Trap Daemon; col 9, line 23 - col 10, line 50 specifies how HP Openview plays a role as the SNMP manager to detect events);

initiating, by the client event service, a request regarding the detected events, and submitting the request to the server event service (Barker: col 11, lines 21-28 specify clients register with the Event Distributor to receive filtered events);

transmitting the detected events to the client event service on the basis of the request (Barker: col 11, lines 21-28 specify the Event Distributor distributes events to clients based on their specified filters);

transmitting the detected events received by the client event service to a client application (Barker: See Figures 2 and 15; col 4, lines 18-38; See also col 38, line 50 - col 39, line 16);

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wherein the client application logs a client callback function in the client event service for every event about which it is to be notified (Barker: Figure 6, term Client Callback Function definition);

wherein the client event service uses the communication link to log a corresponding callback function in the server event service (Barker: col 25, lines 40 – col 26, line 10); and

wherein to log the callback functions for an event with which the same event name is associated with the client and with the server, the following steps are performed:

calling, by the client applications, a client logging function from the client event service and providing said function with the name of the event in question and with a pointer to the client callback function which is to be logged (Barker: col 25, lines 12-40; See Figures 10-13 and col 7, lines 37-67);

generating, by the client logging function, a unique event identifier (Barker: col 11, lines 21-29 provides for generating filters);

transmitting the event identifier and the event name via the communication link to a server logging function of the server event service, (Barker: col 7, lines 57-63 provides for transmitting filters and attributes to server event manager; See also col 17, lines 25-50);

logging, by the server logging function, a server trap with the installation interface by transferring the event (attribute) name (Barker: col 25, line 60 – col 26, line 10);

storing by the server logging function in a server event table, a data record which contains at least the event identifier and a pointer to a callback function which is to be logged (Barker: col 17, lines 27-50; See also Figure 6, Callback Object Reference term);

reporting, by the server logging function, the performance of the logging operation to the client logging function of the client event service via the communication link (Barker: col 33, lines 42-50 specify the use of TRAP acknowledgements; col 7, lines 56-63);

logging, by the client logging function, the client callback function by storing a data record in a client event table (Barker: Figure 12, see table), the data record containing at least the event identifier (Barker: Figure 12, see table, contains IDs and filter type).

Barker does not teach logging a pointer to the client callback function in the client event table nor wherein the callback function being stored is a server callback function.

Panikatt, in a similar field of endeavor, teaches wherein the callback function is a server callback function (Panikatt: col 15, lines 23-45 specifies logging callbacks in the Management Information Server for callbacks to the JMA server, which together operate as the alarm notification server; See Figure 6, item 613 and col 7, lines 13-25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Panikatt for using server callback functions. The teachings of Panikatt, when implemented in the Barker system, will allow one of ordinary skill in the art to utilize callback functions on the server side. One of

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ordinary skill in the art would be motivated to utilize the teachings of Panikatt in the Barker system in order to modularize code use.

The Barker/Panikatt system does not teach logging a pointer to a client callback function in the client event table.

Kampe, in a similar field of endeavor, teaches wherein the client event table (subscriber node's ES) contains a client callback pointer (Kampe: [0047] and [0054] specify the subscriber node registers a callback function in preparation for receiving events on specific event channels; See Figures 1 and 2 for clarification on what Kampe refers to as an "Event Server").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Kampe for registering a client callback function pointer in the client event table. The teachings of Kampe, when implemented in the Barker/Panikatt system, will allow one of ordinary skill in the art to protect function calls to be maintained locally. One of ordinary skill in the art would be motivated to utilize the teachings of Kampe in the Barker/Panikatt system in order to provide for a more secure system by requiring callbacks to be called locally, rather than allowing a remote server across the network perform the callback.

Regarding claim 22, the Barker/Panikatt/Kampe system teaches wherein the detected are detected by a data capture unit (SNMP agent) in a technical installation (network element) and are reported to the installation interface of the server (Barker: col 17, lines

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60-65; col 19, lines 13-23; col 19, line 55 – col 20, line 5; See also Figure 4, item 14 subcomponents).

Regarding claim 23, this claim contains limitations found within claim 21 and the same rationale of rejection is used, where applicable.

Regarding claim 24, the Barker/Panikatt/Kampe system teaches wherein after a client callback function has been logged for the first time the client logging function starts a request generator which then makes requests for event transmission to the server event service (Barker: col 11, lines 21-28; col 22, lines 25-43).

Regarding claim 25, the Barker/Panikatt/Kampe system teaches wherein the request generator of the client event service makes the requests for event transmission to the server event service cyclically (Barker: col 19, lines 39-54 specify the object server is capable of handling periodic polling from clients).

Regarding claim 26, the Barker/Panikatt/Kampe system teaches wherein transmitting detected events further comprises:

- the installation interface detects an event which has occurred and calls the server callback function logged for this event (Barker: col 25, line 60 – col 26, line 10);

- the server callback function produces an entry describing the event in at least one event queue (Panikatt: col 7, lines 55-65 and Figure 6 specify an RMI alarm log

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skeleton and event dispatcher to forward the events to the client; Barker: col 10, line 53-67 specifies the use of event queues);

upon the next request from the client event server for event transmission the server event service reads the entry produced from the event queue and transmits it via the communication link to the client event service (Panikatt: col 7, line 66 – col 8, line 7 specifies the client requests the event information and then it is retrieved);

the client event service takes the entry received and ascertains and calls the client callback function logged for this event (Kampe: [0047] – [0048] specifies obtaining an event, passing it through a filter, then calling the corresponding callback function); and

the client callback function executes a defined action for the corresponding event in the client application (Kampe: [0048] specifies the callbacks are for throttling; [0054] specifies the callbacks pass the event on to the appropriate application; See Figure 2).

Regarding claim 27, the Barker/Panikatt/Kampe system teaches managing and transmitting events from a server via a communication link to at least one client, the system comprising:

a client comprising:

at least one client event service, for the purpose of logging possible events, and which uses a communication link to make requests for event transmission to a server event service (Barker: col 4, lines 19-36 provides applets using a CORBA interface to communicate to the EMS server in order to

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update web browser information regarding network elements; See also col 38, line 50 – col 39, line 16); and

a server comprising:

at least one server event service which has at least one server logging function for logging server callback functions, for the purpose of logging possible events, and uses a communication link to transmit events to a client event service (Barker: Figure 4; col 4, lines 37-55; col 11, lines 21-28);

at least one server event table for holding data records which describe a respective logging operation, which server event table is in the form of a hash table and holds data records which contain at least one event identifier and a pointer to a server callback function which is to be logged (Barker: col 21, line 63 - col 22, line 23 specify the storage of service objects, which contain attribute information about network elements; Panikatt: col 9, lines 39-50 for hash table);

at least one event queue for holding entries which describe a respective event, and to transmit received events to a client application (Barker: col 10, line 53-67 specifies the use of event queues); and

at least one installation interface which transfers events which have occurred to the at least one server event service (Barker: See Figure 4, item Trap Daemon; col 9, line 23 - col 10, line 50 specifies how HP Openview plays a role as the SNMP manager to detect events).

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Regarding claim 28, Barker/Panikatt/Kampe system teaches wherein the server event service has a tidying function which deletes the server event table and the event queue if the client event service is no longer communicating with the server event service (Barker: col 16, lines 62-67).

Regarding claim 29, the Barker/Panikatt/Kampe system teaches wherein the installation interface is connected to a data capture unit of a technical installation in order to read in events detected by the data capture unit (Barker: col 17, lines 60-65; col 19, line 13 – col 20, line 5; Figure 4).

Regarding claim 30, the Barker/Panikatt/Kampe system teaches wherein the server event service has at least one server callback function which can be logged for at least one event and which is called when an event for which it is logged occurs (Barker: col 25, lines 40 – col 26, line 10).

Regarding claim 31, the Barker/Panikatt/Kampe system teaches wherein the server event service has, for every client event service with which it communicates via a communication link, a separate client data record which respectively contains at least one server event table and at least one event queue (Barker: col 17, lines 27-50; col 10, line 53-67).

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Regarding claim 32, the Barker/Panikatt/Kampe system teaches wherein the server event service has a tidying function which deletes the client data record if the associated client event service is no longer communicating with the server event service (Barker: col 16, lines 62-67 specify removal if determined to be inactive).

Regarding claim 33, the Barker/Panikatt/Kampe system teaches wherein the client event table is in the form of a hash table and holds data records which contain at least one event identifier and a pointer to a client callback function which is to be logged (Kampe: [0047], [0054] for client event table; Panikatt: col 9, lines 39-50 for hash table).

Regarding claim 34, the Barker/Panikatt/Kampe system teaches wherein the client event service has at least one client logging function for logging client callback functions, at least one client event table for holding data records which describe the log, and at least one request generator for making cyclic requests for event transmission. (Barker: col 19, lines 39-54; col 25, lines 12-40; See Figures 10-13 and col 7, lines 37-67; See also Figure 12 and table).

Regarding claim 35, the Barker/Panikatt/Kampe system teaches wherein the client event table is in the form of a hash table and holds data records which contain at least one event identifier and a pointer to a client callback function which is to be logged (Kampe [0047], [0054] for client event table; Panikatt: col 9, lines 39-50 for hash table).

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Regarding claim 36, the Barker/Panikatt/Kampe system teaches wherein the server transmits events by performing the following steps:

the installation interface detects an event which has occurred and calls the server callback function logged for this event (Barker: col 25, line 60 – col 26, line 10);

the server callback function produces an entry describing the event in at least one event queue (Panikatt: col 7, lines 55-65 and Figure 6 specify an RMI alarm log skeleton and event dispatcher to forward the events to the client; Barker: col 10, line 53-67 specifies the use of event queues);

upon the next request from the client event service for event transmission the server event service reads the entry produced from the event queue and transmits it via the communication link to the client event service (Panikatt: col 7, line 66 – col 8, line 7 specifies the client requests the event information and then it is retrieved);

the client event service takes the entry received and ascertains and calls the client callback function logged for this event (Kampe: [0047] – [0048] specifies obtaining an event, passing it through a filter, then calling the corresponding callback function);
and

the client callback function executes a defined action for the corresponding event in the client application (Kampe: [0048] specifies the callbacks are for throttling; [0054] specifies the callbacks pass the event on to the appropriate application; See Figure 2).

Cited Pertinent Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kekic et al (US 6,664,978 B1) discloses a network event management system.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY NICKERSON whose telephone number is (571)270-3631. The examiner can normally be reached on M-Th, 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. N./
Jeffrey Nickerson
Examiner, Art Unit 2442

/Andrew Caldwell/
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